

ZONING ADMINISTRATOR INTERPRETATIONS

Presented on the following pages are official interpretations of the various provisions of the Zoning Ordinance that have been made by the Zoning Administrator in accordance with the provision set forth in Sect. 18-103 of the Ordinance. It is to be noted that the interpretations as presented in this form are not all encompassing. Many other interpretations have been and are continually made on a daily basis and are presented in either oral or letter form.

The interpretations presented on the following pages are provided for the benefit and common understanding of those parties who reference the Zoning Ordinance. Several of the interpretations have been superseded by subsequent interpretations or amendments to the provisions of the Zoning Ordinance that have been adopted. Those that have been superseded are as follows:

Interpretation #3, issued August 22, 1978, was superseded by Zoning Ordinance Amendment #79-9, adopted January 16, 1979.

Interpretation #4, issued August 24, 1978, was superseded by Interpretation #52, issued June 14, 1984.

Interpretation #5, issued August 25, 1978, was superseded by Zoning Ordinance Amendment #92-234, adopted December 14, 1992, effective December 15, 1992.

Interpretation #7, issued August 22, 1978, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #8, issued August 22, 1978, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #9, issued September 27, 1978, was superseded by Zoning Ordinance Amendment #85-117, adopted February 25, 1985.

Interpretation #10, issued December 8, 1978, was superseded by Zoning Ordinance Amendment #79-9, adopted January 16, 1979.

Interpretation #11, issued February 9, 1979, was superseded by Zoning Ordinance Amendment #90-194, adopted August 6, 1990, effective August 7, 1990.

Interpretation #13, issued February 28, 1979, was superseded in part by Zoning Ordinance Amendment #92-229, adopted August 3, 1992, effective August 4, 1992.

Interpretation #15, issued February 28, 1979, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #19, issued April 11, 1979, was superseded by Zoning Ordinance Amendment #87-141, adopted April 27, 1987, effective April 28, 1987, at 12:01 AM.

Interpretation #21, issued April 12, 1979, revised March 1, 1985, was superseded by Zoning Ordinance Amendment #89-184, adopted October 30, 1989, effective October 31, 1989, at 12:01 AM.

Interpretation #24, issued June 19, 1979, was superseded by Zoning Ordinance Amendment #87-141, adopted April 27, 1987, effective April 28, 1987, at 12:01 AM.

Interpretation #25, issued June 19, 1979, was superseded by Zoning Ordinance Amendment #90-189, adopted March 26, 1990, effective March 27, 1990, at 12:01 AM.

Interpretation #25A, issued October 17, 1979, was superseded by Zoning Ordinance Amendment #90-189, adopted March 26, 1990, effective March 27, 1990, at 12:01 AM.

Interpretation #29, issued August 7, 1979, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #30, issued August 7, 1979, was superseded by Zoning Ordinance Amendment #87-150, adopted October 19, 1987, effective October 20, 1987, at 12:01 AM.

Interpretation #31, issued August 7, 1979 and revised November 9, 1988, was superseded by Zoning Ordinance Amendment #91-197, adopted February 25, 1991, effective February 26, 1991, at 12:01 AM.

Interpretation #37, issued May 16, 1980, was superseded by Interpretation #37 (Clarified), issued October 29, 1980.

Interpretation #38, issued September 30, 1980, was superseded by Zoning Ordinance Amendment #90-193, adopted July 23, 1990, effective July 31, 1990.

Interpretation #41, issued April 13, 1981, was superseded by Zoning Ordinance Amendment #83-79, adopted March 28, 1983.

Interpretation #46, issued October 29, 1982, was superseded by Zoning Ordinance Amendment #83-81, adopted March 28, 1983, effective April 4, 1983, and #83-83, 83-84, and 83-85, adopted April 25, 1983, effective May 2, 1983.

Interpretation #50, issued February 10, 1984, was superseded by Zoning Ordinance Amendment #85-115, adopted January 28, 1985, effective January 29, 1985.

Interpretation #52, issued June 14, 1984, was superseded by Zoning Ordinance Amendment #85-118, adopted April 29, 1985.

Interpretation Number 13

Subject Provision: Sect. 13-201 and Sect. 13-202

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: February 28, 1979
Revised April 1997*

Background/Issue:

The subject sections require in essence that any parking lot which contains twenty (20) or more spaces shall provide interior and peripheral landscaping. The question is posed as to whether the provisions are applicable to the expansion of an existing parking lot, which expansion in itself does not contain twenty (20) spaces, but the resulting combined total number of spaces would be twenty (20) or more.

Zoning Administrator Interpretation:

There can be no question but that the underlying purpose of these provisions is to have application on all parking lots of certain size, i.e., those containing twenty (20) or more spaces. Within the area of the proposed expansion of a parking lot, the Director shall require both interior and peripheral landscaping measures in accordance with the subject provisions, except where the requirement of same would not be feasible or would result in unsafe traffic movements within the parking lot in which case the Director may modify or waive the requirement.

*Interpretation revised to reflect current Section references and to delete reference to parking spaces for handicapped persons (accessible parking spaces). (Necessitated by Amendments #90-190 and #92-229)

Zoning Administrator

Interpretation Number 17

Subject Provision: Article 13

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: March 7, 1979
Revised April 1997*

Background/Issue:

The question has been posed as to whether the Director's decision concerning the provisions of Article 13, Landscaping and Screening, and in particular those of Sect. 13-304, Transitional Screening and Barrier Waivers and Modifications, can be appealed.

Zoning Administrator Interpretation:

The provision of Landscaping and screening in accordance with Article 13 can be appealed in accordance with the provisions of Par. 3 of Article 18, Appeals.

*Interpretation revised to reflect correct Section reference and to delete reference to site plan appeal. (Necessitated by Amendments #90-190 and #92-232)

Zoning Administrator

Subject Provision: Sect. 9-615

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: May 14, 1979
Revised April 1997*

Background/Issue:

Can cluster and conventional lots be combined within one subdivision?

Zoning Administrator Interpretation:

The Zoning Ordinance is silent on combination cluster/conventional lot subdivisions. It is my interpretation, however, that whereas they definitely can be combined, it is clearly the intent that the combination would be permitted only if all the zoning district regulations, i.e., minimum district size, maximum density and open space, for cluster subdivisions are met within the cluster portion of the subdivision. To this end, all preliminary subdivision plats, if applicable, will specify that portion of the subdivision on which the cluster subdivision calculations are established.

Where appropriate, one homeowners' association will be established covering both the cluster and the conventional lots.

*Interpretation revised to delete reference to Sect. 2-408 and to revise preliminary subdivision plat reference. (Necessitated by Zoning Ordinance Amendment #87-150 and Amendment 47-96-101 to the Subdivision Ordinance)

Zoning Administrator

Subject Provision: Sect. 11-106

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: July 11, 1979
Revised November 9, 1988
and April, 1997*

Background/Issue:

The question has been raised as to the appropriate number of parking spaces that are required for racquetball and handball courts. Is it the same requirement as set forth for tennis courts?

Zoning Administrator Interpretation:

Whereas a tennis club is the most similar type of use listed in Sect. 11-106, there is a definite dissimilarity between racquetball/handball and tennis in that a great deal of tennis is played in the form of doubles (four people), whereas racquetball and handball are predominately singles games (two people). Therefore, under the provisions of Par. 19 of Sect. 11-102, it is my determination that the parking standard for racquetball/handball courts is three (3) spaces per court, plus such additional spaces as may be required for affiliated uses.

*Interpretation revised to reflect current Paragraph reference. (Necessitated by Amendments #88-164 and #93-241)

Zoning Administrator

Subject Provision: Par. 3 of Sect. 2-308

**ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA**

Date: November 6, 1979
Revised April, 1997*

Background/Issue:

The questions has been posed as to whether the provisions of Par. 3 of Sect. 2-308 are applicable to a utility easement acquired after the effective date of the Zoning Ordinance, i.e., August 14, 1978, if such easement is located entirely within an easement twenty-five (25) feet or greater in width which existed prior to August 14, 1978. And secondly, when do the subject provisions apply if such easement is located partially within and partially outside an easement twenty-five (25) feet or greater in width which existed prior to August 14, 1978?

Zoning Administrator Interpretation:

The underlying purpose of the provisions set forth in Par. 3 of Sect. 2-308 is to preclude that area subject to a new major utility easement or right-of-way as defined from being used in the calculation of permitted residential density on a given parcel. This purpose originates from the premise that a major utility easement or right-of-way does pose a site development constraint on a given property because it reduces flexibility in lot layout and often necessitates a tighter clustering or crowding of the residential units on the remainder of the property. A second premise is there is a compensation rendered for the easement by the utility company and consequently a second compensation in the form of density credit is inappropriate.

Based on this background consideration, it is my interpretation that a new easement located entirely within a pre-existing easement is not subject to the provisions of Par. 3 of Sect. 2-308 because such new easement generally will not pose any additional development constraint than the pre-existing easement.

Based on this same logic, it is my interpretation that in the second instance referenced above, i.e., where a new easement is located partially within and partially outside a pre-existing easement which combined total width is twenty-five (25) feet or greater, then only that area of the new easement outside of the pre-existing easement shall be subject to the provisions of Par. 3 of Sect. 2-308.

*Interpretation revised to reflect current
Paragraph reference. (Necessitated by
Amendment #95-269)

Zoning Administrator

Interpretation Number 47

Subject Provision: Sect. 11-106

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: July 20, 1983
Revised November 9, 1988
and April, 1997*

Background/Issue:

The question has been raised as to the number of parking spaces that are required for riding and boarding stables. An applicable requirement is not set forth in Part 1 of Article 11.

Zoning Administrator Interpretation:

In accordance with the provision set forth in Par. 19 of Sect. 11-102, it is my determination that the minimum number of parking spaces that are required for a riding and boarding stable shall be as follows:

One (1) space per 4 stalls, plus one (1) space per employee, plus sufficient spaces to accommodate the largest number of vans/trailers and vehicles that may be expected at any one time.

*Interpretation revised to reflect current Paragraph reference. (Necessitated by Amendments #88-164 and #93-241)

Zoning Administrator